

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*

Case No. 1:18-OP-45090

*The County of Cuyahoga v. Purdue Pharma
L.P., et al.*

Case No. 17-OP-45004

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF JONATHAN L. STERN IN SUPPORT OF
MANUFACTURER DEFENDANTS' MOTION FOR SUMMARY JUDGMENT THAT
PLAINTIFFS' STATE-LAW CLAIMS ARE PREEMPTED AND
THEIR FEDERAL CLAIMS ARE PRECLUDED**

I, Jonathan L. Stern, declare as follows:

1. I am a partner at the law firm of Arnold & Porter Kaye Scholer LLP and counsel of record for Defendants Endo Pharmaceuticals Inc., Endo Health Solutions Inc., Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc. in the above-captioned matters.
2. I submit this declaration in support of the Manufacturer Defendants' Motion for Summary Judgment that Plaintiffs' State-Law Claims Are Preempted And Their Federal Claims Are Precluded.
3. I have personal knowledge of the following facts and, if called and sworn as a witness, could and would testify competently thereto.
4. Attached hereto as **Exhibit 1** is a true and correct copy of the May 13, 2019 Memorandum re Opioids Regulatory Background, FDA Center for Drug Evaluation and Research.
5. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the Expert

Report of David T. Courtwright, Ph.D.

6. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the Expert Report of Anna Lembke, M.D., dated March 25, 2019.

7. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of Cuyahoga County's March 18, 2019 Replacement Supplemental Responses and Objections to Manufacturer Defendants' Interrogatories.

8. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of Summit County's March 4, 2019 Supplemental Responses and Objections to Certain of Manufacturers' Interrogatories.

9. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts of the transcript of the deposition of David M. Kessler, which was held on April 25 and 26, 2019 in the above-captioned case.

10. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts of the Expert Report of Matthew Perri III, B.S. Pharm., Ph.D, R.Ph., dated March 25, 2019.

11. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of the Report of David S. Egilman, M.D., M.P.H, dated March 25, 2019.

12. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts of the Expert Report of David Kessler, M.D.

13. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts of Cuyahoga County's November 2, 2018 Amended Responses to First Set of Interrogatories.

14. Attached hereto as **Exhibit 11** is a true and correct copy of the July 25, 2012 Letter from Physicians for Responsible Opioid Prescribing to the Food and Drug Administration.

15. Attached hereto as **Exhibit 12** is a true and correct copy of the September 10, 2013

Letter from the Food and Drug Administration to Physicians for Responsible Opioid Prescribing.

16. Attached hereto as **Exhibit 13** is a true and correct copy of the Order Granting Defendants' Motion to Dismiss, *State v. Purdue Pharma L.P.*, Case No. 08-2018-CV-01300 (N.D. Dist. Ct. May 10, 2019).

17. Attached hereto as **Exhibit 14** is a true and correct copy of Plaintiffs' December 28, 2018 Supplemental Objections and Responses to Manufacturer Defendants' Interrogatory Numbers 28 and 29.

18. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts of the Expert Analysis of Lacey R. Keller.

19. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts of James E. Rafalski's Analysis of Distributor and Manufacturer Regulatory Compliance, dated April 15, 2019.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed in Washington, District of Columbia on June 28, 2019.

/s/ Jonathan L. Stern

Jonathan L. Stern

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*Attorneys for Defendants Endo
Pharmaceuticals Inc., Endo Health
Solutions Inc., Par Pharmaceutical, Inc.,
and Par Pharmaceutical Companies, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2019, a copy of the foregoing Declaration of Jonathan L. Stern in Support of Manufacturer Defendants' Motion For Summary Judgment That Plaintiffs' State-Law Claims Are Preempted And Their Federal Claims Are Precluded was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: June 28, 2019

/s/ Jonathan L. Stern

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